

Marchetti

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WASHINGTON AP - By just one vote, a former Central Intelligence Agency official lost a chance today in the Supreme Court to fight an injunction preventing him from publishing books or articles containing classified CIA material.

The ex-CIA man, Victor E. Marchetti of Vienna, Va., argued that the injunction could lead to a systematic scheme of censorship. Needing the votes of at least four justices to be heard, he managed to gain only three - William O. Douglas, William J. Brennan Jr. and Potter Stewart. Against him were Chief Justice Warren E. Burger, and Justices Thurgood Marshall, Byron R. White, Harry A. Blackmun, William H. Rehnquist and Lewis F. Powell Jr.

The injunction, upheld in September by the U.S. Circuit Court in Richmond, Va., keeps Marchetti from writing about any classified CIA material without the agency's consent.

The former executive assistant to the deputy director of the CIA argued that the restraint imposed by two federal courts is contrary to freedom of speech and to a 1971 ruling that newspapers could publish portions of the Pentagon Papers.

His appeal was backed by the American Civil Liberties Union. Before going to work for the CIA in 1956, Marchetti signed an agreement never to divulge classified information without the CIA director's approval.

After quitting in 1969, he submitted an article to Esquire magazine that the government contended would disclose classified information about intelligence sources, methods and operations.

Marchetti also has attempted to publish a novel about the agency and has appeared on several radio and television shows.

The appeal said the injunction would lead to "a systematic scheme of censorship which will surely result in the denial of the fundamental right of the American people to be supplied with information about the conduct of their government."

The government, defending the ruling, said it is in accord with the Supreme Court's "consistent recognition of the need for secrecy in the sensitivity areas of foreign affairs and national security."

Friend-of-court briefs supporting Marchetti were filed by the Authors League of America and the Association of American Publishers. Neither the six-Justice majority nor the three dissenters who voted to hear the dispute gave their reasons.

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